

### **REMARKS**

Claims 1-26 are presently pending. Claims 1-26 are amended. No new matter is added as a result of the above amendments. Reconsideration of claims 1-26 is respectfully requested in light of the above amendments and the following remarks.

#### **Objection to Specification**

The title of the current specification is objected to as being not descriptive. By this response, the title of the current specification is amended to recite "Method and System for Improving Performance of Data Replication Between a Source Database and a Target Database." Accordingly, Applicants respectfully request the withdrawal of the objection to specification.

#### **Rejection under 35 U.S.C. §112, Second Paragraph, Claims 4, 6, 12-13, 17, and 19**

Claims 4, 6, 12-13, 17, and 19 are rejected under 35 U.S.C. §112, Second Paragraph for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 4, 6, 17, and 19 are amended to remove the limitation "look at" as suggested by the Examiner. Claim 12 is also amended to remove the term "computing power". In addition, claim 13 is amended to recite "a manufacturing equipment environment and a lot status" to provide the proper antecedent basis. Furthermore, claims 4, 6, 12-13, 16, 17, and 19 are amended to remove any grammatical and idiomatic error.

Accordingly, Applicants respectfully request the withdrawal of the rejection to claims 4, 6, 12-13, 17, and 19 under 35 U.S.C. §112, Second Paragraph.

**Rejections under 35 U.S.C. §102(b), Claims 1, 8-12, 14, and 21-25**

Claims 1, 8-12, 14, and 21-25 are rejected under 35 U.S.C. §102(b) as being anticipated by Jeyaraman (US Patent No. 6,311,187). This rejection is respectfully traversed.

Jeyaraman does not disclose “analyzing time and date stamp of the source database to determine if a record in said source database has been changed based on a change of position of a lot from a first equipment to a second equipment; in response to a determination that the record has been changed, locating the record based on an identifier of the lot,” as recited in claims 1, 9, 14, and 22.

While Jeyaraman discloses at column 5, lines 43-47 that “the timestamp can be used to determine the difference between the data on server 104 and the cached copy of the data on client 106,” Jeyaraman does not disclose that the difference between the data on the server and the cached copy of the data is based on the change of position of a lot from a first equipment to a second equipment. At column 5, lines 6-16, Jeyaraman discloses that “publishing code 205 periodically receives new content 230, and uses new content 230 to update documents within document database 214. Publishing code also periodically constructs updates for remotely cached copies of documents from document database 214, and sends these updates to clients.” Thus, Jeyaraman merely determine the difference between documents in a document database and documents in a local cache copy on the client. Nowhere does Jeyaraman mention a lot, or a position of a lot, let alone a change of position of a lot from a first equipment to a second equipment. Therefore, Jeyaraman does not disclose the features of claims 1, 9, 14, and 22.

In addition, Jeyaraman does not disclose “in response to a determination that the record has been changed, locating the record based on an identifier of the lot.” Instead of the locating a record based on an identifier of the lot, Jeyaraman discloses that “the first step is to generate a unique identifier for each of the leaf nodes in T2 based on the content of the leaf node.” (Column 9, lines 41-43). Thus, Jeyaraman discloses an identifier of a leaf node instead of the an identifier of the lot, because Jeyaraman does not mention anything about a lot. Therefore, Jeyaraman does not disclose the features of claims 1, 9, 14, and 22.

By virtue of their dependencies on claims 1, 9, 14, and 22, Jeyarama also does not disclose the features of claims 2-8, 10-12, 21, 23-25. Therefore, the rejection to claims 1, 8-12, 14, and 21-25 is not supported by the Jeyaraman reference and should be withdrawn.

**Rejections Under 35 U.S.C. §103(a), Claim 2-7, 13, 15-20, and 26**

Claims 2-7, 13, 15-20, and 26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Jeyaraman. Applicants traverse this rejection on the grounds that the reference is defective in establishing a prima facie case of obviousness with respect to claims 2-7, 13, 15-20, and 26.

As the PTO recognizes in MPEP § 2142:

*... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...*

It is submitted that, in the present case, the Examiner has not factually supported a prima facie case of obviousness for the following, mutually exclusive, reasons.

**1. The Reference Does Not Teach the Claimed Subject Matter**

The Jeyaraman reference cannot be applied to reject claims 2-7, 13, 15-20, and 26 under 35 U.S.C. § 103(a). Jeyaraman does not disclose “wherein the target table of the first equipment includes at least one lot that is associated with the first equipment,” and “wherein the target table of the second equipment includes at least one lot that is associated with the second equipment,” as recited in claims 2, 3, 15, and 16. At column 6, lines 44-50, Jeyaraman discloses that “server 204 receives new content 230 (step 402). This new content 230 may take the form of live updates to document database 214, for example, in the form of stock pricing information.” Thus, Jeyaraman merely discloses updates to documents. Jeyaraman does not disclose a target table of the first equipment that includes at least one lot that is associated with the first equipment or a target table of the second equipment that includes at least one lot that is associated with the

second equipment. Therefore, Jeyaraman does not disclose the features of claims 2, 3, 15, and 16.

In addition, Jeyaraman does not disclose “wherein the source database comprises a source table of the first equipment and a source table of the second equipment,” as recited in claims 6 and 19. At column 3, lines 23-24, Jeyaraman discloses that “web server 112 stores textual and graphical information related to various websites in document database 116.” Thus, instead of a source table of the first equipment and the source table of the second equipment, Jeyaraman discloses storing textual and graphical information of websites in the document database. Therefore, Jeyaraman does not disclose the features of claims 6 and 19.

Thus, for this mutually exclusive reason, the Examiner’s burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

## **2. The Modification of Reference is Improper**

Assuming, arguendo, that none of the above arguments for non-obviousness apply (which is clearly not the case based on the above), there is still another, mutually exclusive, and compelling reason why the Jeyaraman cannot be applied to reject claims 2-7, 13, 15-20, and 26 under 35 U.S.C. § 103.

§ 2142 of the MPEP also provides:

*...the examiner must step backward in time and into the shoes worn by the hypothetical ‘person of ordinary skill in the art’ when the invention was unknown and just before it was made.....The examiner must put aside knowledge of the applicant’s disclosure, refrain from using hindsight, and consider the subject matter claimed ‘as a whole’.*

Here, Jeyaraman does not teach, or even suggest, the desirability of the modification of the local cached copy of data on the client to include a target table of the first equipment that includes at least one lot that is associated with the first equipment, and a target table of the

second equipment that includes at least one lot that is associated with the second equipment. Jeyaraman is merely concerned with updates to documents. Jeyaraman also does not teach, or even suggest, the desirability of the modification of the document database to include a source table of the first equipment and a source table of the second equipment. Jeyaraman merely discloses storing textual and graphical information of websites in the document database. Therefore, one of ordinary skill in the art would not have been led to modify the disclosures of Jeyaraman to reach the features of claims 2, 3, 6, 15, 16, and 19.

Thus, it is clear that the reference does not provide any incentive or motivation supporting the desirability of the modification. Therefore, there is simply no basis in the art for modifying the reference to support a 35 U.S.C. § 103 rejection.

In this context, the MPEP further provides at § 2143.01:

*The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.*

In the above context, the courts have repeatedly held that obviousness cannot be established by modifying the teachings of the prior art to produce the claimed invention, absent some teaching, suggestion or incentive supporting the modification.

In the present case it is clear that the Examiner's modification arises solely from hindsight based on the invention without any showing, suggestion, incentive or motivation in the reference for the modification as applied to claims 2-7, 13, 15-20, and 26. Therefore, for this mutually exclusive reason, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

**Conclusion**

It is clear from all of the foregoing that independent claims 1, 9, 14, and 22 are in condition for allowance. Dependent claims 2-8, 10-13, 15-21, and 23-26 depend from and further limit independent claims 1, 9, 14, and 22 and therefore are allowable as well.

An early formal notice of allowance of claims 1-26 is requested.

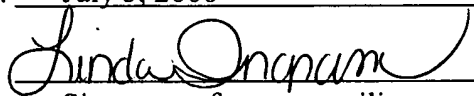
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